

Information pursuant to and in accordance with articles 13 and 14 Reg. (EU) 2016/679

In accordance with the provisions of Regulation (EU) 2016/679 ([General Data Protection Regulation](#)), we provide you with the necessary information regarding the processing of the personal data you provide. This privacy statement is issued in accordance with articles 13 and 14 of Regulation (EU) 2016/679 (General Data Protection Regulation).

1. DATA PROCESSING SUBJECTS

Data Controller

CAP Holding S.p.A., with registered office in Via del Mulino 2 - Assago, represented by lawyer Michele Falcone in his role as Director General. A Data Protection Officer (DPO) has been appointed and can be contacted in writing at dpo@gruppocap.it.

In relation to the processing of data concerning the qualification system of CAP Holding, you are informed that the company has signed **joint controller** agreements, in accordance with article 25 of Regulation (EU) 2016/679, with the contracting entities that have thereto subscribed in accordance with article 134 of Leg. Decree 50/2016 (Italian Public Contract Code). The list of these entities is continuously updated on the CAP Holding website.

The Joint Data Controllers undertake to:

- Jointly determine the purposes and methods of processing the Personal Data of the interested persons (point 2 letter C);
- Jointly determining clearly and transparently the procedures to provide you with a prompt response should you decide to exercise your rights, as set out in article 15 et seq. of Regulation (EU) 2016/679 (point 6);
- Jointly define this privacy statement in compliance with the EU Reg. 2016/679

The essential content of the agreement can be requested by the interested parties by writing to the Joint Controllers at the following address: privacy@gruppocap.it.

2. PURPOSES OF DATA PROCESSING | LEGAL GROUNDS FOR DATA PROCESSING | DATA RETENTION PERIOD | NATURE OF DATA PROVISION

We shall process the personal and judicial data established by Leg. Decree 50/2016 of the Public Contract Code. With regard to judicial data, in this case, data processing shall be undertaken in compliance with article 10 of the GDPR and articles 2-ter and 2-octies of Leg. Decree 196/03. This data shall be processed according to the following table:

<i>Purposes of data processing</i>	<i>Legal grounds</i>	<i>Data retention period</i>	<i>Nature of data provision</i>
A) Navigation on this website	<i>Legitimate interest</i> rights of the interested party Art. 6 letter f) and considering 47 GDPR Activities strictly necessary for the functioning of the website and the provision of the system navigation service.	For the duration of the browsing session or as required by the cookie policy	Necessary for the pursuit of the legitimate interest of the Controller, with respect to the user's fundamental rights and liberties
B) Registration and access to the Gruppo CAP Procurement Portal	<i>Contract - execution of pre-contractual measures</i> Art. 6 letter b) GDPR	Until opt-out	Required for executing pre-contractual measures
C) Management of above- and below-threshold tenders, un even in the case of joint contracts managed by CAP Holding as the Contracting Authority for companies subscribing to Water Alliance	<i>Contract - execution of pre-contractual measures</i> <i>Legal provisions</i> that allow the Data Controller to process data in order to <i>execute a task of public interest or connected to the exercise of public powers</i> article 6 letters b), c) and e) GDPR articles 2-ter and 2-octies of Leg. Decree 196/03	For a maximum of 10 years pursuant to article 2946 of the Italian Civil Code and, in any case, for the time required to manage legal, fiscal and operational claims or disputes and/or to exercise the right of defence of the Joint Controllers	Necessary for the purpose of tender management, failure to provide this data implies exclusion from these tenders.
D) Establishment and management of a qualification system, intended for the possible assignment of tasks indicated from time to time by Gruppo CAP. With regards to assigning work, service and	<i>Contract - execution of pre-contractual measures</i> <i>Legal provisions</i> that allow Joint Controllers to process	For a maximum of 10 years pursuant to article 2946 of the Italian Civil Code and, in any case, for the time required to	Necessary for the purposes of subscribing to the Qualification and Vendor Rating

supply contracts worth upwards of 40,000 euro (with the exception of contracts excluded fully or in part from the application of the Public Contract Code referred to in Part I, Title II of the same code, as detailed in Annex E of the relevant Regulation), the data shall also be processed for the purposes of monitoring the Vendor Rating system	data for the <i>execution of a task of public interest or connected to the exercise public powers.</i> article 6 letters b), c) and e) GDPR articles 2-ter and 2-octies of Leg. Decree 196/03	manage legal, fiscal and operational claims or disputes and/or to exercise the right of defence of the Joint Controllers	System, failure to provide this data implies exclusion from subscription procedure.
E) Establishment and management of a company-owned database - Supplier Register - with the purpose of the possible assignment of Gruppo CAP tasks and the possible subsequent conclusion of contracts.	<i>Contract - execution of pre-contractual measures</i> <i>Legal provisions that allow the Data Controller to process data in order to execute a task of public interest or connected to the exercise of public powers</i> article 6 letters b), c) and e) GDPR articles 2-ter and 2-octies of Leg. Decree 196/2003 and subsequent additions and amendments.	For a maximum of 10 years pursuant to article 2946 of the Italian Civil Code and, in any case, for the time required to manage legal, fiscal and operational claims or disputes and/or to exercise the right of defence of the Joint Controllers	Necessary for registering on the Supplier Register, failure to provide this data implies exclusion from the registration process.
F) information activities/marketing and promotional communication of the Client by the Data Controller CAP Holding S.p.A. and/or the Data Processor AMIACQUE S.r.l., by sending text/chat messages and/or emails, even through the possible subscription to a mailing list, and possibly by telephone	<i>Consent</i> Art. 6 letter b) GDPR	Until OPT- OUT	Optional, without this data, you will not receive direct marketing communication
G) for profiling purposes, in order to allow Cap Holding S.p.A., based on your habits and consumer choices, to develop service offers in line with your interests	<i>Consent</i> Art. 6 letter b) GDPR	Until OPT- OUT	Optional, without this data, you will not receive direct marketing communication
H) sending satisfaction surveys, for the purpose of continuous internal improvement, without any marketing purposes	<i>Necessary for pursuing the legitimate interests of the Data Controller</i> Art. 6 letter f) and considering 47 GDPR	Until objection	Necessary to send the satisfaction surveys, without this data, you will not be sent the surveys

Data processing shall be performed via automation and manually, using methods and tools intended to guarantee maximum security and confidentiality. In particular, the Data Controller relies on a decision based partially on automated processing, followed by controls by the Legal, Tenders and Contracts Department, necessary to finalise the procedure for establishing the Qualification System and Supplier Register and aimed at guaranteeing compliance with the principles of non-discrimination, equal treatment, proportionality and transparency, as well as the principle of rotation established by the Law (article 36 of Leg. Decree 50/2016 and ANAC Guidelines) and outlined in the dedicated Regulation.

3. RECIPIENTS

The data of the interested parties shall not be distributed, but may be communicated to third parties, who will process them in their role as Data Processors and/or natural persons acting under the authority of the Data Controller and Data Processor and/or as independent Data Controllers. Specifically, personal data may be sent to recipients belonging to the following categories:

- regional authorities such as Regione Lombardia and ATO di Milano;
- companies that sign the "Contract of subscription to the System of qualification of works, services and supplies of CAP Holding S.p.A";
- entities that provide services for managing the information system and telecommunications networks (including email);
- firms or companies that provide support or consultancy services;
- competent authorities for the fulfilment of legal obligations and/or provisions of public bodies, upon request.

4. SOURCE OF THE PERSONAL DATA

CAP Holding S.p.A. hereby informs you that the data necessary for the establishment and management of the Qualification System and the Supplier Register may also be acquired from third party sources (including, but not limited to, via the verification of information registered with the Chamber of Commerce - protests, prejudicial entries, etc. - or through the solvency and ratings information issued by authorised companies or bodies/institutions).

5. DATA TRANSFER TO A THIRD COUNTRY AND/OR AN INTERNATIONAL ORGANISATION

The personal data provided shall not be transferred abroad outside the European Union.

6. RIGHTS OF THE THE INTERESTED PARTIES | COMPLAINTS TO THE SUPERVISORY AUTHORITY

The interested parties may assert their rights as expressed in article 15 et seq. of Regulation (EU) 2016/679, by contacting CAP Holding S.p.A. at the email address privacy@gruppocap.it, or by contacting **the Data Protection Officer (DPO)** at the email address dpo@gruppocap.it, both for the processing of data of which CAP Holding is the sole controller as well as for the purposes referred to in point 2 letter C, for which it is Joint Controller.

The interested parties have the right, at any time, to request access to their personal data, correction, cancellation of this data and the restriction of processing. Moreover, in the cases foreseen, they have the right to object, at any time, to the processing of your data. Without prejudice to any other administrative and judicial appeal, if they considers that the processing of data concerning them is in breach of the provisions of Regulation (EU) 2016/679, in accordance with article 15 letter f) of the aforementioned Regulation (EU) 2016/679, the interested parties have the right to lodge a complaint with the Data Protection Authority. In the cases foreseen, you have the right of data portability and, in this case, the personal data that concerns you will be provided in a format that is structured, commonly-used and legible from an automatic device.

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